

REMARKS

Reconsideration of this application is respectfully requested.

The Examiner's failure to return an initialled copy of the Form PTO-1449 filed December 4, 1998 on the ground that a copy of the cited references has not been received is not understood. The Notification of Acceptance issued by the USPTO on 04/25/97 explicitly confirms that a copy of the International Search Report and a copy of all references cited therein had been received by the USPTO.

In any event, another copy of these references together with a copy of the International Search Report is attached for the Examiner's convenience.

In addition, the currently submitted Form PTO-1449 includes citation of two additional references recently cited by the Canadian Patent Office in a corresponding Canadian case:

US Patent No. 5,187,810 - Yoneyama et al

US Patent No. 4,311,876 - Endo et al

The undersigned registered attorney of record hereby certifies that these two additional references were cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this statement. Therefore, no additional IDS fee is believed due.

Under the circumstances related above, it is not believed that any IDS fee should be due for a citation of the references already acknowledged as having been received by the Patent Office in the Notification of Acceptance or for the newly cited references from the corresponding Canadian case. However, if any additional IDS fee is deemed necessary, then authority is hereby given to charge such a fee to our Account No. 14-1140.

Both of the references newly cited by the Canadian Patent Office rely on roadside beacon stations to transmit information to the mobile units. Therefore, it is not necessary for the fixed part to include any means for determining the location of the mobile unit requesting guidance information. Instead, the mere presence of the mobile unit within range of the individual beacon is sufficient for determining vehicular location.

Such prior art systems require considerable infrastructure investment and are clearly substantially different from applicant's invention which is intended for use with existing cellular radio telephone infrastructure (e.g., see applicant's claim 1 requirement for the fixed part to determine the location of the mobile unit and to generate guidance information according to the present location of the mobile unit and its specified destination, etc.).

The above amendments are presented under 37 C.F.R. §1.116 to clarify the independent claims and to place the case in better form for appeal, if necessary. However, since it is understood that the Examiner might not permit entry of such amendment after final action, the erroneous outstanding grounds of rejection will be explained below with respect to the claims as they existed after the prior amendment of December 4, 1998.

The rejection of all pending claims under 35 U.S.C. §102 as allegedly anticipated by Penzias is respectfully traversed.

The Examiner relies upon column 1, line 38 to column 2, line 19 for teaching transmission to the fixed part of a request for guidance information. However, the only request therein discussed is a telephoned "request for a ride" from a potential new rider that wants to be picked up at a particular location (e.g., see column 1, lines 45-46). Claim 1 requires each mobile unit to include means for transmitting to the fixed part a request for guidance information relating to a destination specified by the user of the mobile unit.

Even though Penzias later allows for the possibility of such a request coming from an already existing passenger (e.g., see column 4, lines 47-61), there is an even more clear cut reason that Penzias cannot possibly anticipate even claim 1: Penzias does not teach any use of a plurality of overlay areas.

The Examiner's discussion of a geographical overlay in the Office Action avoids even an allegation that Penzias in any way teaches a plurality of overlay areas. Instead, the Examiner ignores this limitation of claim 1 and refers only to an alleged singular "geographical overlay". The Examiner attempts to define the "geographical overlay":

"...The 'geographical overlay' is the correlation of the road map data and the vehicle location in router server 111 to provide 'traffic flow conditions'. Note that the routing unit computer 202 and vehicle computer 204 both have a display 309." [Page 2 of typewritten text in the Office Action]

First of all, the undersigned can find no indication anywhere in Penzias that any kind of graphical map depiction is actually displayed -- either at the routing unit computer 202 or at the vehicle computer 204. Instead, it appears that Penzias merely transmits textual information for display -- including textual information describing road work schedules, parades, weather related conditions, accident information, historical time related data (e.g., rush hours, holiday traffic loads, etc.) or route path information, passenger names, transfer points, scheduling, etc. -- including "traffic flow conditions" determined by analyzing the progress of other vehicles in the system.

In short, although some kind of map data 119 is used by the map server 113 to provide information to the router server 111, Penzias clearly does not teach or suggest a plurality of overlay areas within a larger geographical overlay -- nor means for transmitting information associated with a particular overlay area in which the mobile part is currently located such that the mobile parts within that overlay area receive information associated with it (even though the system does not utilize dispersed roadside beacons or the like as in the prior art discussed above recently cited by the Canadian Patent Office).

Furthermore, the Examiner's comments appear to be limited to independent claim 1. Many of applicant's dependent claims and/or other independent claims are also clearly not anticipated by Penzias for even additional reasons. Without attempting to provide an exhaustive supply of illustrations, the following are noted:

Claim 3 -- requires means for modifying the stored digital representation of the geographical overlay so that configurations of the overlay areas can be selected to meet changing requirements. Where is there any teaching or suggestion of this in Penzias?

Claim 4 -- requires determining when a mobile part enters a predetermined overlay area and, in response, to transmit a message to the mobile part entering such predetermined overlay area. Where is there any possible teaching of this feature in Penzias?

Claim 5 -- requires a somewhat different response to detection of a mobile unit entering into a predetermined overlay area, namely, the transmission of a message to a user other than that particular mobile part. Where is there any such teaching in Penzias?

Claim 6 -- requires a value to be associated with the mobile part and that value to be modified in response to the message (that has been transmitted responsively pursuant to claim 4 when the mobile unit entered a predetermined overlay area). Where is there any such teaching in Penzias?

Claim 10 -- requires vehicle location to be determined by a combination of an approximate location determined by the fixed part plus a non-unique location signal coming from the mobile part. Where is there any such teaching or suggestion in Penzias?

Claim 11 -- requires the mobile part to include means for locating its position by dead reckoning. Where is there any teaching or suggestion of that feature in Penzias?

Claim 12 -- requires the guidance data to be based on vehicle movement data derived from time information and position measurements of a plurality of mobile parts and estimations of future locations of the mobile parts based on the guidance information previously transmitted. Where is there any such teaching or suggestion in Penzias?

Claim 13 -- requires the fixed part to transmit the mobile part an expected range of movement -- and requires the mobile part to detect when it strays from the expected range of movement and to automatically report back to the fixed part whenever that occurs. Where is there any such teaching in Penzias?

A review of the remaining independent and dependent claims will reveal that many of these novel features vis-a-vis Penzias are also contained therein.

Therefore, it is respectfully submitted that it is impossible for Penzias to anticipate the rejected claims.

The rejection of all pending claims under 35 U.S.C. §102 as allegedly anticipated by Behr et al is also respectfully traversed.

Although Behr et al is at least more relevant in that it does relate to a computerized navigation system that actually provides guidance information, it also totally fails to teach the use of plural overlay areas within a geographical overlay, etc.

Once again, the Examiner merely relies upon the fact that there is map database 72 and argues that constitutes a "geographical overlay". Reference is made to column 9, lines 47-55.

However, this portion of Behr merely notes that additional data such as on-line yellow pages information or traffic advisory information or the like can be received from other information providers. Similarly, the Examiner's reference to column 16, lines 32-38 merely relate to formatting a query response so as to include route guidance information and information indicative of a graphical representation of an intersection to be traversed, representation including vectors, defining streets, respective angles with respect to the intersection, street sign information and the like.

Contrary to the Examiner's apparent argument, merely correlating map data with mobile unit location so as to provide relevant localized information to the mobile unit does not constitute the use of a plurality of overlay areas within a geographical overlay -- and certainly not in the context of applicant's claimed invention.

The deficiencies of Penzias with respect to additional limitations of claims subsequent to claim 1 also apply to Behr.

In summary, neither Penzias nor Behr utilize a plurality of overlay areas so as to transmit possibly common messages to plural mobile units present in or passing through a given one of the overlay areas. That is, depending on the destination of given mobile units, it may be that some mobile units passing through a given overlay area will need to have specific instructions to take some action unique to their particular destination. However, many mobile units passing through a given overlay area can be provided common information while in that overlay area because they are travelling on a route portion that is common to many different destinations.

Thus the applicant's utilization of plural overlay areas within a large geographical overlay coupled with the transmission of information associated with a given overlay unit to perhaps plural mobile units that may even simultaneously be within the same overlay area is a significant improvement over the prior art.

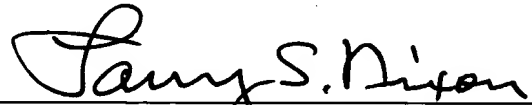
The above proposed amendments are intended to make this distinction even more clearly apparent. However, for reasons noted above, the alleged anticipation of claims even prior to such amendment is believed to be clearly erroneous.

Accordingly, a formal Notice of Allowance is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Larry S. Nixon
Reg. No. 25,640

LSN:vc
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100